App F IX 4

Previous References (1941 Mel)

File No 855-41
Serial Nos. 86, 101

Later References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos /

Part B for June 42

SUBJECT

Transfer of Mr N, Siddappa, as extra superintendent of the Mysore city Mdly

To,

The municipal commissioner, B-city
The President, city Mdl of Mysore
The Comptroller
The Rev commissioner
L 11625-8/15 6 42
Approves of the ——

Mcc 16 6 42

Serial No

86 From the ml Commr, Bcij, the PS—
NO AS 319/41-42 Dy 8-5-42
Forwards a copy of the resolution
of the ml cl Dy 23-4-42 resolving to
the retransfer of Mr Siddappa as Collector
~~Supdt~~ of the Mysore Mfg and
placing of Mr N Siddalingappa,
Revenue officer, in charge of the office
of the Collector Supdt in addition to his
own duties as Rev Officer—

1 This same resolution was received
with a DO letter from the ml Commr
& was submitted with the main
file to the Minister L&S on 9/5/42

2 The PS, while forwarding
the letter, has appended a note
~~Suited~~ for perusal & orders
on the Resolution

11/5 86 11/5

1 The resolution moved by Mr
V K Gowdaru reads as follows:—
This council resolves that, in view
of the irregular transfer of Mr N
Siddalingappa to Mysore, without orders
of Govt under intimation to Council, Mr
Siddappa has no place in the Municipality
and accordingly Mr N Siddalingappa
who has taken charge of the Revenue Officer
be asked to take up the duties of the

NOTE—Contn Sheet

WD 04155/GGPD—55 000—3-10 41

Serial No

Octroi Superintendent in addition to his own duties, until such time as a permanent hand is appointed and Mr Haddaffen be relieved of his duties forthwith'

The resolution has been passed at the informal meeting of the Bhowanipore Municipality held on 23-4-42 It states that the Municipality is not in a mood to accept the orders of the Revenue Comr, who is stated to have no locus standi. It wants that Mr Haddaffen should be sent back to Jangpore so that there Mr may be permanently appointed by the Council to the post of the octroi Superintendent

The President's note (Flag A) deals with the legal aspects of the case and the circumstances which have compelled the Council to pass the above resolution. He seems to object to the attitude of the municipal Comr in this case

The Municipal Comr has sent the above resolution for the information & orders of Govt. The main file on the subject containing the opinion of the Comptroller to Govt & the Revenue Comr has been sent separately

The point for orders is (1) whether the present resolution of the Municipality may be approved, allowing the Council to

Bangalore City Municipal Chs Resolution —— re transfer of Mrs. S. Seetapa (3) to Mysore city Mlty etc.

General and Revenue Secretariat — File No 55 of 194 (15101/1 [App F III-2

Serial No	
	Select its own nominee from the post of the Vice Superintendent, Bangalore
	OR
	(2) whether the order of the Govt cancelling the transfer may be upheld under Sec 232 (A) of the City Municipal Act treating them as if they are orders under appeal by post
Annexure Note VI of 1938-39 for Ref	Law Secy) 11/5/42
SECY LAW DEPT 4-07 12 MAY 1942 GOVT OF MYSORE	9 The transfer has been done under S 232 (A) of the Municipalities Act and may be approved There are no grounds to change the name. The resolution of the Municipality may not be accepted
	To No further action is necessary.
OFFICE OF THE MINISTER FOR L S G & P H 12 SEP 1942 No 7105	Minister) 12/5/42
Marked hereto	11 The case does not come under the above Section Regarding Mrs S Seetapa I have ordered on the other file as to the way in which the proposal of the Municipal Council to place Mr S Seetapa in charge of

NOTE—Cont Sheet

WD 041 5—GPB—55 000—23 10 41

V) Transfer of Dr S. Siddappa, Asstt Supdt Bl Gen Cats Mfg - to Mysore

Ml File No 55 6810/1 of 194 / General and Revenue Secretariat

Serial No

additional charge of Assistant Superintendent is approved

Sd/-
13.5.42

13) Extract of Ministry's orders on file No Ml 10-41-1 Dno 5144 V 6775

Dr Siddappa may be reverted to his substantive place in the Mfg Mysore & Asstt Superintendent Mysore may be reinstated appointed

xxxxxxx Sd/- H 13 5 42

Hm 2 13/5/42

12 Draft for Dr

17/5/42

17) Submit with a draft G.O. for approval

VKS 14/5

Sd/- 14/5

Lawsley) 14/5/42

SECY LAW DEPT 4362 13 MAY 1942 GOVT OF MYSORE

15) For perusal

Dewan)

Hm 2 15/5/42

16 Let me see the connected files

Sd/-

15/5/42

Hm 2 16/5/42

17 Subd as per the file (D. 6776) linked hereto.

xxx 16/5/42

Sd/- 16/5/42

Lawsley) 16/5/42

6810/Ind Retransfer of Mr S Siddiqui octroi (5)
Supdt to Mysore city Immigrant

General and Revenue Secretariat — File No 55 of 1941 6810 [App F III—2

Serial No

18) Submitted

Dewan — Cus 30-5-42

10872 — 19) pending the further examination of the draft rules on the Confdl file, the transfer order of Mr Siddiqui may issue

Sd/-
4 6 42
for

20) With reference to para 16 of the notes supra, the connected file is submitted hereto, with a note on the subject as called for in para 4 of the notes thereon containing the Dewan's minute dated 16 5 1942

Law Secy) for 11/6/42

21) for Revenue & Dewan)

Sd/-
13 6 42
for

22) Mee
14/6/42
Sd/-
15 6

23) Attention to Dy Secy
for 15 6

TYPING SECTION 15 JUN 1942

NOTE—Contn Sheet

Transfer of Mr S. Siddappa Octroi Supdt to Mysore civ mcl
Mk 6810
L

MC File No 55 of 1941/42 — General and Revenue Secretariat

Serial No 101

To The mcl Commr. Bciv, thro Pol
The Odt. civ mcl cl, Mysore
The Comptroller
The Revenue Commr.

No L 11625-8 Dy 15-6-42.

Approves of the resolution of the mcl cl.
2nd) subj after issue as directed in
para 23 on the previous Page

WLS.
16/6/42

Maybe recorded at once & placed in the file at the rels, after Confirming in the file voter
L 16/6/42

B 16/6/42

/6810/L

BANGALORE CITY MUNICIPALITY

No A5 319/41-42

Encl 2

CEN & R... 11 MAY 1942 Bangalore LSG BRANCH

MUNICIPAL OFFICES

5th May 1942

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

M 55-41-86

SECY L... DEPT 11 MAY 1942 GOVT OF MYSORE

To

H V Narayana Rao, Esq, B A, LL B,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE

SIR

In continuation of my letter No A5 562/41 dated 3-3-1942, I have the honour to forward herewith for kind information and for orders of Government a copy of the resolution of the Municipal Council passed at their meeting held on 23-4-1942, re retransfer of Mr S Siddappa, as Octroi Superintendent of the Mysore Municipality and placing Mr N Siddalingappa, Revenue Officer in-charge of the office of the Octroi Superintendent in addition to his own duties as Revenue Officer

I have the honour to be,
Sir,
Your most obedient servant,

A A Khan
Municipal Commissioner

2

Forwarded with compliments,
with my note
K Hanumanthaiya
Honorary President

sVS

33/41-42

Minutes of the Proceedings of the Adjourned Council Meeting of the City Municipality, Bangalore, held on 23-4-1942 at 3 p.m. in the Council Chamber of the City Municipality Offices, Bangalore.

Present

K. Hanumanthaiya, Esq., B.A., L.L.B.,

Honorary President.

1. Mr. V.P. Govindarajulu, B.A., B.L.
2. " R. Subbanna
3. " Jamalal Thiwari
4. " G. Ranjappa
5. " T. Chandrasekarasamy
6. " B. Narasimhiah
7. " V. Venkatasami Chetty
8. " P.V. Hanumanthi, B.A.
9. " K. Chamarajaiengar, B.A.
10. " C.V. Narasinga Rao, B.A., B.L.
11. " M.A. Gopalaswami Iyengar, B.A., LL.B.
12. " M.C. Ponnappa, B.A., B.L.
13. " P.C. Suryanarayana Rao
14. " A.R.A. Hasit
15. Dr. K. Poyan, M.D.

Absent.

1. Mr. M.V. Hanumanthappa
2. " N. Narasaiengar, B.A., B.L.
3. " L.M. Raju, M.A. (Cons.), B.L.
4. " V. Venkatarayappa
5. " K. Gangasetty
6. " M.P. Guruv Reddy, B.A., LL.B.
7. Dr. Miss Kamala Ramachandriah
8. Mr. M.V. Narayana Iyengar, B.A., B.L.
9. " P. Subbiah, B.Sc., LL.B.
10. " Kota Karnakshiah Chetty
11. " C.P. Nasarulla Shariff, M.A., LL.B.
12. " Mirza Azeezulla Baig
13. " M.P. Mohamad Khan
14. " V. Chikkayallappa

Subject No 98 -

G O No L 8796-99/M1 10-41-92 dated 23rd March 1942 ordering the retirement of Mr T Madhava Rao and posting Mr N Siddalingappa, M A LL B , as Revenue Officer of the Bangalore City Municipality

Subject No. 96.

The President observed that this Government Order did not relate to the retirement of Mr. Madhava Rao but to his posting as Personal Assistant and this correction might be noted in the agenda.

Mr. V.K.Govindarajulu Naidu moved that 'this Council resolved that in view of the irregular transfer of Mr. N.Siddalingappa to Mysore, without either Government Order or Council's approval Mr. Siddappa has no place in this Municipality and accordingly Mr. N.~~Siddappa~~ Siddalingappa who has ~~not~~ taken charge of the Revenue Officer be asked to take up the duties of the Octroi Superintendent in addition to his own duties, until such time as permanent hand is appointed and Mr Siddappa be relieved of his duties forthwith'. While moving the above Mr. V K Govindarajulu Naidu explained the whole case and said while the Council had taken assurance from the Commissioner, that Mr N.Siddalingappa would not be relieved till final orders had been received from Govern-ment, Mr N Siddalingappa had been relieved and the transfer order from the Revenue Commissioner had was not brought to their notice The Commissioner would have written to the Revenue Commissioner intimating that the Council was against the order This order of the Revenue Commissioner was irregular in as much as he had no locus standi to transfer the officers of the Muni-cipality and his powers were limited to officials only As such this order was neither binding on the Municipality, nor legal So they were perfectly right in protesting against this transfer order and asking for reversion of Mr Siddappa to Mysore

Mr. T Gangadharaswamy seconded the above.

Mr C.K.Narasinga Rao observed that the decisions of the Council must be respected The order of transfer without con-sulting the Municipal Council was really against rules and con-vention But as he did not know the circumstances that led to the whole question, he said that the subject may be taken up at the next meeting. All the formalities re the transfer of Mr. N.Siddalingappa had been completed and they were at the stage of recording the Government Order So to raise objections then

was not correct He moved that the matter might be deferred for the next meeting.

Mr A R A Basith seconded the deferring motion of Mr C N Narasinga Rao

The President informed the members that this question was pending from a long time and it was not desirable to put it off any more There was no doubt that the order of transfer by the Revenue Commissioner did not apply to officers The present transfer order was not correct since the Revenue Commissioner had no jurisdiction in the matter. Neither the Council nor the President were consulted as they ought to have been done The Commissioner had ignored the rights of the Council and the President. It was a serious matter Hence, he suggested, that the subject be disposed of at that meeting alone

The Commissioner then explained to the House that he had written to Government in the matter and was awaiting orders The President of Mysore City Municipality relieved Mr. Siddappa in pursuance of the order of transfer and as the Officer reported himself for duty here, he had no other go but take him on duty As regards placing the order of transfer before the Council, he said that since he did not feel there was any necessity for it, he did not place it before the Council nor did he make a reference to the Revenue Commissioner stating that the Council were against the order He informed the House that the move for transfer did not originate from him ~~xxxxx~~ It was because the Mysore President relieved Mr. Siddappa, he was compelled to relieve Mr. N Siddalingappa

Then the deferring proposition was put to vote and lost, 3 voting For and 7 Against

Mr C N.Narasinga Rao observed that it was quite clear from the explanation of the Commissioner that he was helpless in the matter and that the transfer started from Mysore He said that the latter portion of the resolution mught very well be omitted He moved that 'this Council resolves that the transfer of Mr. N Siddalingappa to Mysore is irregular and requests Government to re-transfer Mr Siddappa to Mysore

Mr. A.R.A. Basith seconded the above.

The amended proposition of Mr. C.N.Narasinga Rao was put to vote and lost, all but three voting For.

Then the original proposition of Mr. V.K.Govindarajulu Naidu was put to vote and passed by a majority.

Sd. K. Hanumanthaiya.
Honorary President.

-- oOo --

"C o p y"

Municipal Commissioner

Forwarded with compliments

Ref - Transfer of Mr N Siddalingappa, Octroi Superintendent, Bangalore City Municipality

The Revenue Commissioner sent a memo dated 28th November 1941 to this Municipality transferring Mr N Siddalingappa to the Mysore City Municipality and Mr. S Siddappa to the Bangalore City Municipality, as Octroi Superintendents. The Revenue Commissioner purported to effect the transfers under G O No L 2908-28/M1 172-33-25 dated 23rd October 1935 and No L 5997-6017/M1 139-35-4 dated 7th February 1936 These Government Orders relate to clerical establishment and not to executive officers of the Municipality, like the Octroi Superintendent Besides, subsequent to the issuing of the Government Orders, there has been legislation on this subject in 1933, in the form of Sections 232 A and 232-B to the Municipal Act Section 232-A empowers the Government to transfer any officer or servant of a Municipality and Section 232-B authorises the Government to delegate it to some officer subordinate to it The Government, so far as I am aware, has not delegated the power under Section 232-B to any of its subordinate officers Hence, it is only the Government that can directly effect transfer of Municipal officials or servants Under the circumstances, the Revenue Commissioner has no power to transfer the Octroi Superintendent, the Government orders he has relied upon, being inapplicable and inoperative

It will be an interesting thing to know why the Revenue Commissioner effected this transfer so suddenly and without consulting the Municipal Council in the matter Even the Government, who have absolute power of appointment and transfer of the Municipal Engineer, were so considerate to the Municipal Council, as to call for its opinion in the matter of transfer of the Municipal Engineer The Revenue Commissioner could have, apart from the question of his power to effect the transfer, been equally considerate to the Municipal Council

The President of the Municipality, to whom the Revenue Commissioner's memo of transfer was sent by the Commissioner, had

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read —

Letter No.A5-319/41-42 dated 5th May 1942 from the Municipal Commissioner, Bangalore City, stating that the City Municipal Council have at their meeting held on 23rd April 1942, passed the resolution noted in the margin and requesting orders of Government thereon.

"This Council resolves that, in view of the irregular transfer of Mr.N. Siddalingappa to Mysore, without either Government Order or Council's approval Mr.Siddappa has not place in this Municipality and accordingly Mr.N.Siddalingappa who has taken charge of the Revenue Office# be asked to take up the duties of the Octroi Superintendent, in addition to his own duties, until such time as a permanent hand is appointed and Mr.Siddappa be relieved of his duties forthwith".

Order No. L 11625-8/Dnl 55-41-101
Dated, Bangalore, 15th June 1942.

Government are pleased to direct that Mr.C.Siddappa, the present Octroi Superintendent, Bangalore City Municipality be retransferred to his original post as Octroi Superintendent, Mysore City Municipality. He may be relieved forthwith.

2. The proposal of the Bangalore City Municipal Council to place Mr.N.Siddalingappa, Revenue Officer, Bangalore City Municipality in charge of the additional duties of the Octroi Superintendent of the City, pending the posting of a permanent officer thereto is approved.

/-Ramachandra
Jr Secretary to Government,
Law Department.

To

The Municipal Commissioner, Bangalore City,
through the President.
" President, Mysore City Municipal Council,
" Comptroller to Government,
" Revenue Commissioner in Mysore.

RS

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 15/6/42 194

Signed by H G Rao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Section ML

File No 55-41

Serial No 101

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Letter no AS-319/41-42 dated 5-5-1942 from the Municipal Commissioner, Mysore stating that the city Municipal Council have, at their meeting held on 23-4-42, passed the resolution noted in the margin and requesting orders of Government thereon

Order thereon—

Government are pleased to direct that Mr. S. Liddappa, present Executive Engineer, City Municipal Council, Mysore be retransferred

This Council resolves that in view of the irregular transfer of Mr. S. Liddalingappa to Mysore, without either Govt. order or Council's approval, Mr. Liddappa has no place in this Municipality and accordingly Mr. S. Liddalingappa who has taken charge of the Revenue Section be asked to take up the present duties of the Executive Engineer, in addition to his own duties, until such time as a permanent hand is appointed and Mr. Liddappa be relieved of his duties forthwith.

to his original post as acting Supt—
Seymour city Mtty. He may be relieved further
& The proposal of the Seymour city and
cl to place one N. and Salem suffa
Revenue Officer, Seymour city Mtty in ~~charge~~
additional
for additional charge of the duties of the
acting Superintendent of the city, pending
pending the
the appointment of a permanent Officer to the thereto
post as Approved

for Secretary

Jo The Collector, Bombay with the request
to Present, Seymour city Mtt to be
& Compt Mtty
to Rev Cmr.

List of Enclosures

Copied by

Examined by

WD 087—GPB—40 000—14 11 40